

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF ALABAMA

In re

Case No. 07-10232-DHW

Chapter 13

JOSEPH L. BETHEA,

Debtor.

ORDER DISMISSING CASE

The bankruptcy administrator filed a motion on April 24, 2007 to dismiss this case because of the debtor's failure to obtain credit counseling before filing this chapter 13 case as required under 11 U.S.C. § 109(h).

The debtor filed a sworn response requesting exemption from the requirement based on exigent circumstances. The response states that the debtor filed the petition to prevent the imminent repossession of a storage building. The debtor filed the chapter 13 petition on February 28, 2007, received credit counseling on March 5, 2007, and filed the certificate on March 6, 2007.

The motion to dismiss came on for hearing on May 9, 2007.

11 U.S.C. § 109(h)(3) provides a temporary exemption from the prepetition credit counseling requirement. To qualify for the exemption, the debtor must submit a certification, satisfactory to the court, that exigent circumstances merit a waiver of the requirement and that the debtor requested, but was unable to obtain, credit counseling services during the 5-day period following the request. See 11 U.S.C. § 109(h)(3)(A). See *Clippard v. Bass*, 2007 WL 913929 (W.D. Tenn. 2007).

The debtor does not qualify for the exemption because it is undisputed that he did not make any prepetition request for credit counseling services. Accordingly, it is

ORDERED that the motion is GRANTED, and this chapter 13 case is hereby DISMISSED.

Done this 11th day of May, 2007.

/s/ Dwight H. Williams, Jr.
United States Bankruptcy Judge

c: Debtor

Donna C. Crooks, Attorney for Debtor

Teresa R. Jacobs, Bankruptcy Administrator

Curtis C. Reding, Trustee